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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,212

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Carolina Adriana Pijper

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EXAMINER

LEWIS, JONATHAN V

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/526,212	<b>Applicant(s)</b> PIJPER, CAROLINA ADRIANA	
	<b>Examiner</b> JONATHAN LEWIS	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 14-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to applicant's amendment filed May 6, 2008. Claims 14-25 are still pending in the present application. **This action is made FINAL.**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 14-18, 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gresh et al. (WO 01/39506 A2) in view of Schuchman et al. (US Pat. No. 5,640,453) in further view of Zigmond et al. (US Pat. No. 6,330,719) in further view of Stettner (US Pat. No. 7,194,511).**

Regarding claim 14, Gresh et al. teaches a method for implementing a broadcast television program with interactive participation of a plurality of viewers (Abstract), each of said viewers interacting with the program through a client application executing on a corresponding one of a plurality of participant devices

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(page 3, lines 14-21), all of the devices being capable of connecting to a data network (Fig. 1 shows the network).

Gresh et al. teaches all the claim limitations as stated above, except downloading said client application, via the network and from a server connected thereto, to each of the devices in a predefined manner so as to prevent all of the devices from simultaneously downloading the client application over the network and proximate to a starting time of the broadcast.

However, Schuchman et al. teaches downloading said client application, via the network and from a server connected thereto, to each of the devices in a predefined manner so as to prevent all of the devices from simultaneously downloading the client application over the network and proximate to a starting time of the broadcast (col. 2, lines 3-9 discloses the download of computer software, disclosed in col. 1, line 35, at a specified non-peak time).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to download a client application via network non-simultaneously, in order to ensure that all users received the desired application, while preventing network congestion during peak usage times.

Gresh et al. in view of Schuchman et al. teaches all the claim limitations as stated above, except disconnecting said each device from the network after the broadcast program starts but prior to any interaction occurring by a corresponding one of the viewers with the program and through said each device.

However, Zigmond et al. teaches disconnecting said each device from the network after the broadcast program starts but prior to any interaction occurring by a corresponding one of the viewers with the program and through said each device (Abstract discloses the broadcast of programming while also periodically broadcasting triggers embedded within the broadcast; col. 6, line 66 - col. 7, line 12 discloses the disconnection from the network prior to interaction occurring and then reconnecting to interact).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to disconnect a user from a network during a broadcast, in order to avoid throughput bottlenecking by allowing the television receiver unit to wait for a period of time before sending a response to the server.

Gresh et al. in view of Schuchman et al. in further view of Zigmond et al. teaches all the claim limitations as stated above, except while said each device is disconnected from the network and the program continues to be broadcast: permitting the corresponding one viewer to interact, through the client application on said each device, with the program and in a manner synchronized to the program; and registering, through the client application, interactive input provided by the corresponding one viewer to said each device; and after the program has ceased: reconnecting said each device to the network; and supplying, from said each device and through the client application, the interactive input registered, in said each device and from said corresponding one viewer, to a predefined system on the network for subsequent processing.

However, Stettner teaches while said each device is disconnected from the network and the program continues to be broadcast: permitting the corresponding one viewer to interact, through the client application on said each device, with the program and in a manner synchronized to the program (col. 5, line 59 – col. 6, line 12 discloses the disconnection of the user, but by alerting the user they can stay synchronized to the program); and registering, through the client application, interactive input provided by the corresponding one viewer to said each device (Abstract); and after the program has ceased: reconnecting said each device to the network (Fig. 3, 314); and supplying, from said each device and through the client application, the interactive input registered, in said each device and from said corresponding one viewer, to a predefined system on the network for subsequent processing (col. 9, lines 30-50).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to permit user interaction while disconnected from the network and to reconnect and send the interactive input, in order to alleviate the long waits involved when users attempt to submit their interactive responses to interactive programming.

Regarding claim 15, Gresh et al. in view of Schuchman et al. in further view of Zigmond et al. teaches in further view of Stettner all the claim limitations as stated above, except collecting and analyzing, through the predefined system, interactive input registered in all of the devices so as to yield analyzed results; and delivering the analyzed results back to each one of the viewers through the corresponding one device and the client application thereat.

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However, Gresh et al. teaches collecting and analyzing, through the predefined system, interactive input registered in all of the devices so as to yield analyzed results (page 8, lines 15-22 discloses the collection and analyzing, the scoring results); and delivering the analyzed results back to each one of the viewers through the corresponding one device and the client application thereat (page 12, lines 5-10).

Regarding claim 16, Gresh et al. in view of Schuchman et al. in further view of Zigmond et al. teaches in further view of Stettner all the claim limitations as stated above, except the downloading step occurs prior to the start of the broadcast program.

However, Gresh et al. teaches the downloading step occurs prior to the start of the broadcast program (page 3, lines 14-16).

Regarding claim 17, Gresh et al. in view of Schuchman et al. in further view of Zigmond et al. teaches in further view of Stettner all the claim limitations as stated above, except the client application comprises synchronization information.

However, Gresh et al. teaches the client application comprises synchronization information (page 2, lines 20-23).

Regarding claim 18, Gresh et al. in view of Schuchman et al. in further view of Zigmond et al. teaches in further view of Stettner all the claim limitations as stated above, except the synchronization information is downloaded separately from a portion of the client application and both are downloaded at separate points in time.

However, Gresh et al. teaches the synchronization information is downloaded separately from a portion of the client application and both are downloaded at separate points in time (page 3, lines 14-16 is the downloading of the application; page 20, lines 10-15 discloses the synchronization information being downloaded).

Regarding claim 20, Gresh et al. in view of Schuchman et al. in further view of Zigmond et al. teaches in further view of Stettner all the claim limitations as stated above, except the client application is downloaded from an Internet site associated with the broadcast program.

However, Gresh et al. teaches the client application is downloaded from an Internet site associated with the broadcast program (page 20, lines 10-11).

Regarding claim 21, Gresh et al. in view of Schuchman et al. in further view of Zigmond et al. teaches in further view of Stettner all the claim limitations as stated above, except the network comprises the Internet.

However, Gresh et al. teaches the network comprises the Internet (Abstract).

Regarding claim 22, Gresh et al. in view of Schuchman et al. in further view of Zigmond et al. teaches in further view of Stettner all the claim limitations as stated above, except the broadcast program is a television game show.

However, Gresh et al. teaches the broadcast program is a television game show (page 1, lines 21-22).

Apparatus and system claims 23-25 are rejected for the same reasons as discussed in the corresponding method claims above.



**Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gresh et al. (WO 01/39506 A2) in view of Schuchman et al. (US Pat. No. 5,640,453) in further view of Zigmond et al. (US Pat. No. 6,330,719) in further view of Stettner (US Pat. No. 7,194,511) in further view of Boland et al. (US Pat. No. 4,484,218).**

Regarding claim 19, Gresh et al. in view of Schuchman et al. in further view of Zigmond et al. teaches in further view of Stettner all the claim limitations as stated above, except the client application for said each device comprises a designation of a time slot during which said each device will supply the interactive input, via the network, to the predefined system.

However, Boland et al. teaches the client application for said each device comprises a designation of a time slot during which said each device will supply the interactive input, via the network, to the predefined system (col. 4, lines 21-26).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to have a time slot for submitting participant input, in order to avoid congestion within the network by staggering the input of multiple participants.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Houghton US PG Pub. No. 2002/0124247
- b. Freeman et al. US PG Pub. No. 2004/02621127

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c. Bruckner et al. US PG Pub. No. 2002/0162115

d. Palazzi, III et al. US Pat. No. 5,327,554

e. Zdepki US PG Pub. No. 2002/0194620

f. Leak US Pat. No. 7,174,562

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN LEWIS whose telephone number is (571)270-3233. The examiner can normally be reached on Mon - Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571) 272-7527. The

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fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Annan Q Shang/  
Primary Examiner, Art Unit 2623